

### REMARKS

Claims 1 and 3-16 were pending, of which claims 6 and 8-15 were withdrawn. The Applicants amend claims 1 and 16 and add new claims 17-20. The Applicants' specification, as originally filed, supports these amendments and new claims (*see, e.g.*, U.S. Pat. App. Pub. 2008/0057260 A1, ¶¶7-8; ¶¶18-20; Figure 1; and original claims 3-7). Claims 1, 3-5, 7, and 16-20 are presented for examination in view of the amendments and the following remarks.

#### Election/Restrictions

In response to the previous restriction under 37 CFR 1.141-1.146, Applicants previously elected Group 1, species A with traverse. In response to the restriction now made under 35 U.S.C. §§ 121 and 372, the Applicants elect Group I, Species A. In view of new claims 17-20 submitted herewith, the Applicants respectfully submit that Group I includes claims 1, 3-7, and 16-20 and Species A includes claims 1, 3-5, and 16-20.

#### Claim Rejections – 35 U.S.C. § 112

Claims 1, 3-5 and 7 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description. Although the Applicants do not concede that these claims did not comply with the written description requirement, claim 1 has been amended to recite an encapsulation for an organic electronic compound arranged on a substrate including a “protective film consisting of a material that is not adhesive and the protective film being more insulating against moisture and/or oxygen than an adhesive, at least partially loaded with an adsorbent for moisture and/or oxygen, for gluing an organic electronic component to a substrate.” The Applicants’ original disclosure described, for example, McCormick et al (US 2003/0143423) as bonding a capsule to a substrate through the use of an adhesive, which has “a disadvantage . . . that a diffusion pathway forms along the material boundaries of the various materials . . . so that ultimately the imperviousness of the encapsulation is not ideal and the component instead is still damaged by environmental influences.”<sup>1</sup> The Applicants’ original disclosure also provided that “[t]he object of the present invention is, therefore, to make available an encapsulation for an

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<sup>1</sup> U.S. Pat. App. Pub. 2008/0057260 A1, ¶[0007].

organic electronic component that offers mechanical protection and optimal imperviousness against harmful environmental influences such as atmospheric moisture and/or oxygen.”<sup>2</sup> Thus, as the Examiner acknowledges on page 3 of the Office Action, the Applicants’ original disclosure states that the protective layer is more insulative than glues conventionally used with encapsulation.<sup>3</sup> For at least these reasons, the Applicants respectfully submit that claim 1, as amended, is fully supported by the Applicants’ original disclosure.

*Claim Rejections – 35 U.S.C. §102*

Claims 1, 4, and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0143423 ("McCormick"). However, McCormick has not been shown to have described each and every feature of amended claim 1 or amended claim 16.

McCormick described “the use of adsorbent (desiccant and/or getter) loaded transfer adhesives to adhere an encapsulation lid to an organic electronic device (OED) as part of an encapsulation method.”<sup>4</sup> “The adsorbent loaded transfer adhesives function as a structural adhesive to hold the encapsulating lid in place as well as providing a means to absorb oxygen and/or moisture.”<sup>5</sup> A high barrier adhesive may be arranged on the outer surface of the adsorbent loaded transfer adhesive.<sup>6</sup> McCormick described that, if the transfer adhesive adheres poorly to the substrate, the second stage high barrier adhesive would eliminate the formation of channels allowing water vapor and oxygen infusion.<sup>7</sup>

Thus, the Applicants respectfully submit that McCormick did not describe or make obvious an encapsulation for an organic electronic component arranged on a substrate wherein “a protective film covers the component at least in an area of transition from the capsule to the substrate, the protective film consisting of a material that is not adhesive and the protective film being more insulating against moisture and/or oxygen than an adhesive, at least partially loaded with an adsorbent for moisture and/or oxygen, for gluing an organic electronic component to a substrate,” as recited in amended claim 1. This is not a trivial distinction. For example, as described in the Applicants’ specification, encapsulations using an adhesive result in “a diffusion

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<sup>2</sup> *Id.*, ¶[0008].

<sup>3</sup> *See also, e.g.*, U.S. Pat. App. Pub. 2008/0057260 A1, ¶[0020].

<sup>4</sup> McCormick, ¶[0004].

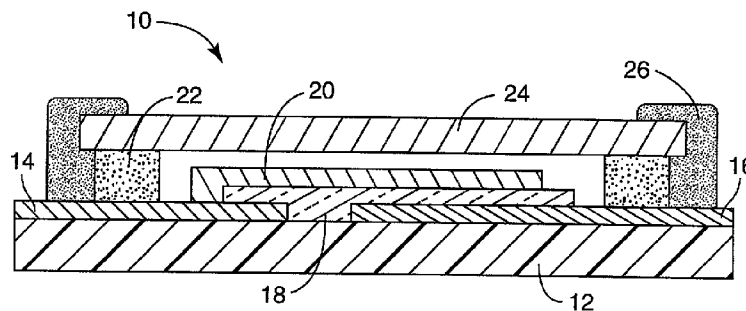
<sup>5</sup> *Id.*

<sup>6</sup> *Id.*, ¶[0009].

<sup>7</sup> *See, e.g., id.*, ¶[0040].

pathway form[ing] along the material boundaries of the various materials (substrate, glue, encapsulation), so that ultimately the imperviousness of the encapsulation is not ideal and the component instead is still damaged by environmental influences.”<sup>8</sup>

McCormick also described a device 10 including a “substrate 12 on which [is] located cathode pad 14 and anode pad 16.” “Desiccant-loaded transfer adhesive 32 covers the entire OED structure and its periphery, and is topped with encapsulation lid 24.” However, the encapsulation lid 24, as shown for example in McCormick’s FIG. 1A (reproduced below), does not include horizontal and lateral areas with respect to the component, much less “lateral areas protrude[ing] from the layer formed by the horizontal areas and . . . glue . . . arranged between the lateral areas of the capsule and the substrate,” as recited in amended claim 16. For at least this reason, the Applicants respectfully submit that a person of ordinary skill in the art would not have understood McCormick to have described each and every feature of amended claim 16.



**FIG. 1A**

*Claim Rejections – 35 U.S.C. §103*

Chun was cited as having described a protective film that covers the entire exterior of the component or the use of a silicon nitride protective film.<sup>9</sup> However, even if Chun were found to have described a protective film with these features, which the Applicants do not concede, Chun has not been shown to cure the deficiencies of McCormick discussed above. For example, Chun has not been shown to have described or made obvious a “protective film consisting of a material

<sup>8</sup> U.S. Pat. App. Pub. 2008/0057260, ¶[0007].

<sup>9</sup> See, e.g., Office Action of April 9, 2010, page 5.

that is not adhesive and the protective film being more insulating against moisture and/or oxygen than an adhesive, at least partially loaded with an adsorbent for moisture and/or oxygen, for gluing an organic electronic component to a substrate," as recited in amended claim 1.

Accordingly, McCormick and Chun, alone or in any proper combination, have not been shown to disclose or make obvious all of the features of amended independent claims 1 and 16 and do not provide the basis for a *prima facie* case of obviousness of these claims.

### CONCLUSION

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the Applicants have (a) addressed certain comments of the Examiner does not mean that the Applicants concede other comments of the Examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the Applicants concede any of the Examiner's positions with respect to that claim or other claims.

Filed herewith is a Petition for Extension of Time. All fees are being paid concurrently herewith on the Electronic Filing System by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 12406-0225US1.

Respectfully submitted,

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